

MINUTES
HOUSE HEALTH & WELFARE COMMITTEE

DATE: Wednesday, February 16, 2022

TIME: 9:00 A.M.

PLACE: Room EW20

MEMBERS: Chairman Wood (Critchfield), Vice Chairman Vander Woude, Representatives Gibbs, Blanksma, Kingsley, Christensen, Lickley, Erickson, Ferch, Mitchell, Chew, Rubel, Burns

**ABSENT/
EXCUSED:** Chairman Wood (Critchfield), Christensen

GUESTS: The sign-in sheet will be retained in the committee secretary's office; following the end of the session the sign-in sheet will be filed with the minutes in the Legislative Library.

Chairman Vander Woude called the meeting to order at 9:00 a.m.

H 601: **Rep. Julianne Young**, District 31, presented **H 601**. Discussions and studies surrounding restriction of in-person visitations have highlighted the consequential harm of the pandemic and the need to protect patient rights. This legislation addresses and assures families have in-person contact with their loved ones in residential care or assisted living facilities. It provides an option for the facilities through the use of the word "may." It also stipulates and lists the possible requirement of the same precautions taken with staff and other facility personnel. Note is also made regarding any preclusion based on a visitor's vaccination status.

Answering questions **Rep. Young** said assisted living facilities are state, not federally, regulated. Legislative Services Office made editorial grammatical changes. Giving the facilities these options are in response to additional pressures faced by their owners during the pandemic. This legislation would prevent a facility from cutting off visitation unless they also remove staff access. Vaccinations could not be required, even if it is required of their staff.

MOTION: **Rep. Blanksma** made a motion to send **H 601** to the floor with a **DO PASS** recommendation.

Rep. Young responding to a question, said this legislation is designed as a light, flexible touch to a need arising from the pandemic. She has been in communication with Idaho Health Care Association members and many saw the need for the legislation.

SUBSTITUTE MOTION: **Rep. Lickley** made a substitute motion to **HOLD H 601** in committee.

David Ripley, Executive Director, Idaho Chooses Life, testified **in support of H 601**. This legislation helps mitigate some of the Crisis Standards of Care issues. It allows family members to meet some of the resident's needs within the facility, relieving the nursing staff. Family members making care decisions have to be present to offer input during critical times.

Rep. Ferch, in opposition to the substitute motion, commented on the inappropriateness of family member isolation. This legislation provides a protection which may prove to be unnecessary in the future.

Rep. Lickley, speaking **in support** of the substitute motion, expressed her understanding of the intent of the legislation and concern regarding the additional regulatory burden it poses.

Rep. Burns, commented **in support** of the substitute motion. Residential care facilities have an obligation to keep residents alive, happy and healthy. The pandemic was originally racing through an elderly population. Hindsight legislating is not the best way.

Rep. Rubel, **in support** of the substitute motion, shared how compassionate the staff were trying to accommodate her family while maintaining the health of the rest of the patients. With an unknown future, it's not prudent to legally tie the hands of very compassionate professional health care providers.

Rep. Blanksma, speaking **in opposition** to the substitute motion, shared her experience with this issue. The in-person visit becomes very important when the immediate access has been interpreted to be a phone or zoom call. This legislation assures in-person access without holding loved ones to a higher standard than those working in the facility.

Rep. Mitchell, **in opposition** to the substitute motion, said this also protects the resident's religious rights.

**VOTE ON
SUBSTITUTE
MOTION:**

Chairman Vander Woude called for a vote on the substitute motion to **HOLD H 601** in committee. **Chairman Vander Woude** stated he was in doubt regarding the voice vote.

**ROLL CALL
VOTE:**

Rep. Gibbs requested a roll call vote. **Motion failed by a vote of 5 AYE, 6 NAY and 2 Absent/Excused.** **Voting in favor** of the motion: **Reps. Gibbs, Lickley, Chew, Rubel, Burns.** **Voting in opposition** to the motion: **Reps. Vander Woude, Blanksma, Kingsley, Erickson, Ferch, Mitchell.** **Reps. Christensen and Critchfield** were absent/excused.

**VOTE ON
ORIGINAL
MOTION:**

Chairman Vander Woude called for a vote on the original motion to send **H 601** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Reps. Gibbs, Lickley, Burns, Chew,** and **Rubel** requested to be recorded as voting **NAY.** **Rep. Lickley** reserved the option to change her vote on the floor. **Rep. Young** will sponsor the bill on the floor.

ADJOURN:

There being no further business to come before the committee, the meeting adjourned at 9:44 a.m.

Representative Vander Woude
Chair

Irene Moore
Secretary